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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,930	01/23/2004	Raquel Beatriz Barchini	C4291(C)	7859
201	7590	10/19/2006	EXAMINER	
UNILEVER INTELLECTUAL PROPERTY GROUP			OGDEN JR, NECHOLUS	
700 SYLVAN AVENUE,			ART UNIT	
BLDG C2 SOUTH			PAPER NUMBER	
ENGLEWOOD CLIFFS, NJ 07632-3100			1751	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,930	Applicant(s) BARCHINI ET AL.	
	Examiner Necholus Ogden	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Claim Rejections - 35 USC § 112

1. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn in view of applicant's amendment.

Claim Rejections - 35 USC § 102

2. Claims 1-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al (6,043,391) is withdrawn in view of applicant's amendment.

3. Claims 1-5 and 7 rejected under 35 U.S.C. 102(b) as being anticipated by DE 1234708 is withdrawn in view of applicant's amendment.

4. Claims 1-4, 7-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nemeth et al (3,528,923) is withdrawn in view of applicant's amendment.

As this reference teaches all of the instantly required it is considered anticipatory.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Suter (2,366,133) is withdrawn in view of applicant's amendment.

As this reference teaches all of the instantly required it is considered anticipatory.

6. Claims 1 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/05243 is withdrawn in view of applicant's amendment.

Double Patenting

Claims 1 and 3-12 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 1-7 of U.S. Patent No. 5,389,284 and 4,950,424, respectively is maintained.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 3-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1 and 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger (6,043,391) in view of WO (99/05243).

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11. Berger et al disclose an anionic surfactant composition in liquid form comprising aromatic or substituted aromatic sulfonic surfactants such as dialkyl benzene sulfonate and a branched alkyl benzene sulfonate (see abstract and example 7 and claims 1-4).
12. Berger et al lack a teaching of a fluorescent material.
13. WO '243 discloses an aromatic alkyl sulfonate detergent components comprising builders and cationic surfactants (see claim 1 and page 33) and further disclose the use of optical brighteners or whitening agents in an amount from 0.01 to 1.2% by weight (pages 58-61).

It would have been obvious to one of ordinary skill in the art to include the optical brightener, whitening agent or fluorescent agent because WO '243 teach that optical brighteners or fluorescent agents are typically used to provide conventional fabric brightness benefits that are conventional and well-known to detergent formulations (page 61, second paragraph). Accordingly, one of ordinary skill in the art, absent a showing to the contrary, would have been motivated to include a conventional fluorescent agent or optical brightener for its intended purpose because Berger et al teach detergent formulations and WO '243 teach that it is well known in detergent formulation to include fluorescent agents.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-T, Th-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

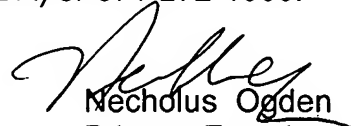
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nicholas Ogden
Primary Examiner
Art Unit 1751

No
10-13-2006